

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Petition of the California Public Utilities	)	
Commission and the People of the State of	)	
California for Authority to Implement	)	
Specialized Overlay Area Codes	)	

**COMMENTS OF MCI**

WorldCom, Inc. d/b/a MCI hereby submits comments in opposition to the petition for authority to implement specialized overlay area codes filed by the California Public Utilities Commission and the People of the State of California (“CPUC”). In its *Third NRO Order*, the Commission lifted the ban on service-specific and technology specific overlays (collectively specialized overlays), and outlined certain criteria under which it would evaluate petitions for authority to implement such overlays.<sup>1</sup> Because the CPUC has not conformed the instant petition to those criteria, the Commission should not grant that petition.

The Commission determined in the *Third NRO Order* that changed circumstances justified elimination of the ban on service- and technology-specific overlays. Specifically, the Commission found that specialized overlays could provide net benefits as a response to exigent numbering shortages, and that such overlays could also be used

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<sup>1</sup> In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, *Third Report and Order* (rel. December 28, 2001), ¶ 67.

for services that use numbering resources but do not necessarily need resources from a particular geographic area.<sup>2</sup>

The Commission indicated that it was extremely reluctant to consider permanent technology-specific overlays, and that it would favor permanent service-specific overlays that include non-geographically sensitive services.<sup>3</sup> The Commission also indicated that any delegation would be limited to areas in which a state has properly determined that relief is needed.<sup>4</sup>

The CPUC proposes to create 2 permanent, specialized overlays that would cover the entire state of California.<sup>5</sup> The CPUC would then take-back an unidentified quantity of “transparent” or “non-geographic based” numbers from existing users, and provide those users with numbers from the specialized overlays.<sup>6</sup> While the CPUC does not define “transparent” or “non-geographic based,” it states that these categories include numbers used to provide services such as On-Star, E-fax, automatic teller machines, point-of-sales, and numbers assigned to modems or fax machines by businesses with 50 or more access lines.<sup>7</sup> The CPUC would also include paging companies, voice-over-Internet-protocol (“VoIP”) services, and dial-up ISP numbers in the specialized overlays.<sup>8</sup>

The requested delegation goes far beyond the boundaries that the Commission established in the *Third NRO Order*. In seeking to include VoIP providers and paging companies in these overlays, the CPUC has sought authority to adopt permanent,

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<sup>2</sup> *Id.*, ¶ 72.

<sup>3</sup> *Id.*, ¶ 74.

<sup>4</sup> *Id.*, ¶ 80.

<sup>5</sup> Petition at 4.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 3.

technology-specific overlays. The Commission should not now reverse itself by granting such authority.

In the context of VoIP, implementation of a technology-specific overlay is highly problematic. VoIP providers typically use ported numbers as well as numbers associated with PRI trunks that they obtain from local exchange carriers. These numbers are also portable for end users who choose to switch to another VoIP provider, to a CLEC or, beginning on November 24<sup>th</sup>, to a wireless company. When numbers are portable among technologies, it makes no sense to relegate one technology to a specific NPA. Indeed, with portability it is impossible to fence in any technology in this manner.

Insofar as the CPUC implies that VoIP services are non-geographically sensitive, it is misguided. VoIP services that include inbound calling from the PSTN are inevitably “geographically sensitive.” Callers to VoIP customers should not be required to use different dialing patterns than callers to customers of local exchange carriers or wireless carriers. Here, the CPUC does not intend to impose mandatory 10-digit dialing.<sup>9</sup> As a result, VoIP customers would suffer a discriminatory dialing disparity.

It would also be unreasonably discriminatory to force VoIP providers into specialized overlays. Consumers are likely to view numbers from these overlays as poor substitutes for numbers from the NPAs that they traditionally associate with phone service. The Commission should not allow states to raise artificial barrier to competition from VoIP providers.

The CPUC has also failed to show that every area code in California is in need of relief. This failure conflicts with the Commission’s requirement that specialized overlays only be used where relief is needed. In this case, the CPUC would require take-backs and

new resource assignments even for codes where relief may not be needed at this time. This is an extremely wasteful approach to numbering resource optimization that this Commission should not countenance.

For the reasons outlined above, the Commission should reject the CPUC's petition for authority to implement specialized overlays.

Respectfully submitted,

WorldCom, Inc.

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<sup>9</sup> *Id.* at 7.